

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 CESAR DE LA GARZA,

4 Plaintiff

5 v.

6 UNKNOWN,

7 Defendant

Case No.: 2:24-cv-00455-APG-MDC

**Order Accepting Report and
Recommendation and Dismissing Case**

[ECF No. 3]

8 On April 19, 2024, Magistrate Judge Couvillier recommended that I dismiss plaintiff
9 Cesar De La Garza's complaint because De La Garza did not respond to Judge Couvillier's order
10 to show cause why (1) his IFP application should not be denied and (2) his complaint should not
11 be dismissed for lack of subject matter jurisdiction. ECF No. 3. De La Garza did not object.
12 Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28
13 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions
14 of the report or specified proposed findings to which objection is made"); *United States v.*
15 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the
16 magistrate judge's findings and recommendations de novo *if objection is made*, but not
17 otherwise" (emphasis in original)).

18 I THEREFORE ORDER that Magistrate Judge Couvillier's report and recommendation
19 (ECF No. 3) is accepted, and plaintiff Cesar De La Garza's complaint (ECF No. 1-1) is
20 dismissed without prejudice. The clerk of court is instructed to close this case.

21 DATED this 13th day of May, 2024.

22 

23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE